

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Alvaro Antonio Gaitan

Docket No. 7:16-MJ-1022-RJ

Petition for Action on Probation

COMES NOW C. Lee Meeks, Jr., U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Alvaro Antonio Gaitan, who, upon an earlier plea of guilty to Driving While Impaired (Level V), in violation of N.C.G.S. § 20-138.1 as assimilated by 18 U.S.C. § 13, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on April 20, 2016, to 12 months probation under the conditions adopted by the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On December 8, 2016, the defendant was charged with Driving While License Revoked and Expired Registration Card/Tag in Onslow County, North Carolina. Additionally, Gaitan failed to report his contact with law enforcement to the probation officer. When confronted with the violation, the defendant admitted he drove his vehicle to work while his driver's license was revoked. The defendant apologized for his actions.

While on probation, the defendant has maintained a stable residence, satisfied the court indebtedness, obtained the substance abuse assessment, and reported he has completed the substance abuse treatment. Alvaro has completed 13.5 hours of the 24 hours community service ordered. Additionally, he maintained gainful employment as a surveyor until he was recently terminated from his position as the result of not possessing a valid driver's license.

As a sanction for the violation, the probation officer respectfully recommends the conditions of probation be modified to include 16 hours of community service. This will be in addition to the 24 hours of community service originally imposed.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall perform an additional 16 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

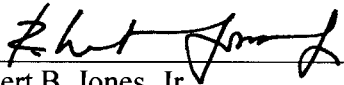
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ C. Lee Meeks, Jr.
C. Lee Meeks, Jr.
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-346-5105
Executed On: January 17, 2017

ORDER OF THE COURT

Considered and ordered this 17 day of January, 2017, and ordered filed and
made a part of the records in the above case.



Robert B. Jones, Jr.
U.S. Magistrate Judge